

IN THE SENATE OF THE UNITED STATES.

MAY 15, 1896.—Ordered to be printed.

Mr. PROCTOR, from the Committee on Military Affairs, submitted the following.

REPORT:

[To accompany S. 2583.]

The Committee on Military Affairs, to whom was referred the bill (S. 2583) for the relief of Leonard I. Brownson, late first lieutenant Company K, Fifth Vermont Volunteers, have had the same under consideration and submit the following report:

This bill was favorably reported and passed in the Senate in the first session of the Fifty-second Congress, and the committee adopt that report and the accompanying documents and make the same a part hereof, and recommend that the bill do pass.

[Senate Report No. 356, Fifty-second Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (S. 1430) for the relief of Leonard I. Brownson, late first lieutenant Company K, Fifth Vermont Volunteers, have had the same under consideration and submit the following report:

Leonard I. Brownson was a good and faithful officer. He served with his regiment from September 16, 1861, to September 18, 1864. On the latter date he was sentenced by court-martial to be dismissed from the service. An examination of the papers on file in the case, together with the record from the files of the War Department, satisfactorily shows that the sentence was unnecessarily harsh.

It appears that Brownson had been seriously wounded, and after being two months in hospital returned to duty. Upon the day he returned he was detailed by the adjutant of the regiment to perform picket duty. Brownson had not fully recovered his strength, and did not feel able to perform the duty. His confinement in hospital and the serious wound he had received unquestionably made him irritable, and he declined to do the duty. Prior to that time his record as a soldier, officer, and gentleman had been above reproach. He had never shrunk from danger, and always had been in the thickest of the fight, according to the testimony of his brother officers. It is also their opinion that Brownson almost immediately regretted what he had done, and there was no willful intention to disobey on his part. He unquestionably considered that the adjutant had acted in an inconsiderate manner in ordering him to do picket duty on the very day he had returned as a convalescent from the hospital. At any rate it is the opinion of your committee that Brownson has suffered enough for this act, which is the only blemish upon a record of three years' otherwise honorable career. The military record of Brownson and a letter from the Hon. L. A. Grant, Assistant Secretary of War and the colonel of the regiment in which Brownson served, are herewith appended and made a part of this report.

Your committee are in favor of the passage of the bill, but have amended it in the following manner to make it conform to the practice of the committee in cases similar to the one under consideration:

Amend as follows: Strike out all after the enacting clause and insert the following:

"That the President of the United States be, and he hereby is, authorized to revoke and set aside so much of General Orders, Numbered Twenty-one, Headquarters Middle Military Division, dated September eighteenth, eighteen hundred and sixty-four, as

dismissed First Lieutenant Leonard I. Brownson, Company K, Fifth Vermont Volunteers, for absence without leave and for conduct prejudicial to good order and military discipline, and to grant and cause to be issued to said Leonard I. Brownson a certificate of honorable muster out of the service as of date of September eighteenth, eighteen hundred and sixty-four. And said Leonard I. Brownson shall not be entitled by virtue of this act to any pay or allowance subsequent to said September eighteenth, eighteen hundred and sixty-four."

Report of the military record of Leonard I. Brownson, first lieutenant Company K, Fifth Vermont Volunteers.

Leonard I. Brownson was enrolled and mustered in as sergeant, Company K, Fifth Vermont Volunteers, to date from September 16, 1861; as second lieutenant, same company, to take effect March 1, 1863, and as first lieutenant, same company, to take effect March 21, 1863.

He appears on rolls from enrollment to June 30, 1863, as present; on roll for July and August, 1863, as absent sick in general hospital; on subsequent rolls to April 30, 1864, as present; on roll for May and June, 1864, as absent wounded since May 6, 1864, and on roll for July and August, 1864, as present in arrest.

He was arraigned and tried before a general court-martial convened at headquarters Second Division, Sixth Army Corps, September —, 1864, on the following charges and specifications:

CHARGE 1.—Absent without leave.

Specification 1.—That the said First Lieut. Leonard I. Brownson, Fifth Vermont Volunteers, did, when relieved from duty at Convalescent Camp by order of Lieut. Col. McKelvey, Convalescent Camp, to enable him to join his regiment, on or about August 4, 1864, remain absent without proper authority, and did fail to do so until on or about August 19, 1864. This while his regiment was in the field, from on or about August 4 to on or about August 19, 1864.

Specification 2.—That the said First Lieut. Leonard I. Brownson, Fifth Vermont Volunteers, did absent himself from his regiment without proper authority and did remain absent for the period of twenty-four hours, more or less. This while his regiment was engaging the enemy near Charleston, Va., on or about August 21, 1864.

CHARGE 2.—Misbehavior in the face of the enemy.

Specification.—That the said First Lieut. Leonard I. Brownson, Fifth Vermont Volunteers, did, when his regiment advanced to meet the enemy, in a cowardly manner remain in the rear and did fail to rejoin his regiment until it had withdrawn from the engagement. This near Charleston, Va., on or about August 21, 1864.

CHARGE 3.—Conduct prejudicial to good order and military discipline.

Specification.—That the said First Lieut. Leonard I. Brownson, Fifth Vermont Volunteers, did, when regularly detailed for picket duty by Lieut. and Adj. C. H. Benton, falsely tell said Lieut. and Adj. C. H. Benton that he was excused from duty by the surgeon, and did, when told by said Lieut. and Adj. C. H. Benton that existing orders required him to procure an excuse in writing in order that he be relieved from the detail, reply saying, "I'll be God damned if I will go on picket," or words to that effect.

To all the above charges and specifications the accused pleaded "not guilty."

The findings of the court, after hearing testimony (including that of Caleb H. Benton, first lieutenant Company D, Fifth Vermont Volunteers, who was a witness for the prosecution) and deliberation, were as follows:

Of the first specification of the first charge, "guilty."

Of the second specification of the first charge, "not guilty."

Of the first charge, "guilty."

Of the specification of the second charge, "not guilty."

Of the second charge, "not guilty."

Of the specification of the third charge, "guilty."

Of the third charge, "guilty."

The accused was thereupon sentenced "to be dismissed the service with a dishonorable discharge."

The proceedings and finding in this case were approved and confirmed and the sentence was by General Orders, No. 21, Headquarters Middle Military Division, dated September 18, 1864, ordered to be carried into effect, and the officer accordingly ceased to belong to the military service of the United States from that date.

WAR DEPARTMENT, Washington, March 9, 1892.

SIR: I return herewith Senate bill 1430, Fifty-second Congress, first session, "for the relief of Leonard I. Brownson, late first lieutenant Company K, Fifth Vermont

Volunteers," which was referred to this Department on the 8th instant, and recommend the passage of the bill.

Perhaps, under the peculiar circumstances of the case, it would be proper for me to add some remarks of a personal nature, and to refer to matters within my own knowledge.

Lieutenant Brownson was in my command, and I knew him reasonably well. He was a good officer and had served his country faithfully up to the committing of the offense complained of. The offense consisted in his refusing to go upon a detail made by the adjutant, Lieut. C. H. Benton. My recollection is that he had just returned from hospital, where he had been on account of a serious wound received in action, and he thought that inasmuch as he had just returned to the regiment and had not fully recovered his strength he ought not to be immediately sent out on the picket line.

In this connection I beg to call attention to three letters of Lieutenant Benton, which appear in the papers of the case. One is dated June 13, 1889, one June 28, 1889, and the other November 4, 1890. The latter is attached to the petition of Lieutenant Brownson, and there is also attached the petition of several officers of the Fifth Regiment, signed at a reunion of the regiment at Burlington nearly three years ago. It will be noticed that the charge of misbehavior in the face of the enemy was not sustained, and the record shows that Lieutenant Benton was present and testified, although his recollection, as stated in his letters, was otherwise. Lieutenant Benton says that Brownson was a good officer, and that the offense named was his only fault, and urges that he be relieved from the sentence.

I understand that Lieutenant Brownson has been a good citizen since the war, and that he is respected in the community where he lives.

Very respectfully,

L. A. GRANT, *Assistant Secretary of War.*

Hon. REDFIELD PROCTOR,
United States Senate.



